



March 27, 2015

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# ENGROSSED HOUSE BILL No. 1531

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DIGEST OF HB 1531 (Updated March 24, 2015 1:15 pm - DI 106)

**Citations Affected:** IC 11-8.

**Synopsis:** Video conferencing by confined persons. Permits certain court proceedings involving a person confined to the department of correction to be conducted by video conferencing with the consent of the confined person. Permits a person confined in a county jail to receive a mental health evaluation for the purpose of mental health assessment and treatment by means of video conferencing. Specifies that a mental health evaluation for the purpose of: (1) determining competency to stand trial; or (2) establishing a defense to a crime; may not be conducted by video conferencing. Requires that the confined person consent to the mental health evaluation by means of video conferencing, and prohibits recording of the mental health evaluation.

**Effective:** July 1, 2015.

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**Davisson, Steuerwald, Karickhoff,  
Lawson L**

(SENATE SPONSORS — STEELE, HOUCHIN)

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January 20, 2015, read first time and referred to Committee on Courts and Criminal Code.

January 29, 2015, reported — Do Pass.

February 2, 2015, read second time, ordered engrossed. Engrossed.

February 3, 2015, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Corrections & Criminal Law.

March 26, 2015, amended, reported favorably — Do Pass.

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EH 1531—LS 6903/DI 69





March 27, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1531

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-8-10 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2015]:  
4       **Chapter 10. Video Conferencing by Confined Persons**  
5       **Sec. 1. (a) If:**  
6               **(1) a person is confined in a department facility;**  
7               **(2) the person is required to make an appearance before the**  
8               **judge of a court;**  
9               **(3) the:**  
10              **(A) department facility; and**  
11              **(B) court room;**  
12              **have the capability of conducting two-way video conferencing**  
13              **between the department facility and the court room;**  
14              **(4) the judge, on the judge's own motion, orders the person to**  
15              **make the person's appearance by use of video conferencing;**

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1 and

2 (5) the person consents to the use of video conferencing;  
3 the person shall appear before the judge while located in the  
4 department facility by use of video conferencing.

5 (b) If a person's appearance before a judge under this section is  
6 conducted by video conferencing, the judge shall ensure that the  
7 appearance is recorded if a record of the appearance would have  
8 been kept if the person had appeared in the judge's court room.

9 Sec. 2. (a) This section applies only to a mental health evaluation  
10 conducted for the purpose of mental health assessment and  
11 treatment. This section does not apply to a mental health  
12 evaluation conducted for the purpose of:

13 (1) determining whether a person is competent to stand trial;

14 or

15 (2) establishing a defense to the commission of a crime,  
16 including the defense of mental disease or defect under  
17 IC 35-41-3-6.

18 (b) If:

19 (1) a person is confined in a county jail;

20 (2) a judge of a court has ordered the person to undergo a  
21 mental health evaluation;

22 (3) the:

23 (A) county jail; and

24 (B) location of the provider of mental health services who  
25 will conduct the mental health evaluation;

26 have the capability of conducting two-way video conferencing  
27 between the county jail and the location;

28 (4) the mental health evaluation may be conducted by  
29 two-way video conferencing;

30 (5) the judge, on the judge's own motion, orders the person to  
31 undergo the mental health evaluation by use of video  
32 conferencing; and

33 (6) the person consents to two-way video conferencing;

34 the person shall undergo the mental health evaluation while located  
35 in the county jail by use of video conferencing.

36 (c) If a person's mental health evaluation under this section is  
37 conducted by video conferencing, the mental health evaluation may  
38 not be recorded.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1531, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1531 as introduced.)

WASHBURN

Committee Vote: Yeas 11, Nays 0

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1531, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 8, delete "court but the person is not required to be physically" and insert "**court;**".

Page 1, delete line 9.

Page 1, line 14, after "room;" delete "and".

Page 2, line 1, after "conferencing;" and insert "**and**

**(5) the person consents to the use of video conferencing;**".

Page 2, line 8, after "(a)" insert "**This section applies only to a mental health evaluation conducted for the purpose of mental health assessment and treatment. This section does not apply to a mental health evaluation conducted for the purpose of:**

**(1) determining whether a person is competent to stand trial;**  
**or**

**(2) establishing a defense to the commission of a crime, including the defense of mental disease or defect under IC 35-41-3-6.**

**(b)".**

Page 2, line 19, delete "and".

Page 2, line 22, after "conferencing;" insert "**and**

**(6) the person consents to two-way video conferencing;**".

Page 2, line 25, delete "(b)" and insert "**(c)**".

Page 2, line 26, delete "judge shall ensure that the" and insert



**"mental health evaluation may not be recorded."**

Page 2, delete lines 27 through 29.

and when so amended that said bill do pass.

(Reference is to HB 1531 as printed January 30, 2015.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 9, Nays 0.

